IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

W.P.(C).No.15298 of 2004(U)

PETITIONER:-

AMBOORI VANITHA HANDLOOM WEAVERS
INDUSTRIAL(PRODUCTION-CUM-SALE)
CO-OPERATIVE SOCIETY LTD NO.H.IND (1)652,
REP. BY ITS SECRETARY.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:-

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1. THE GENERAL MANAGER,
   DISTRICT INDUSTRIES CENTRE,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HANDLOOMS AND TEXTILES,
   THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE CERTIFICATE UNDER SECTION 8 OF THE ACT.

EXT.P2 - TRUE COPY OF THE GOVERNMENT ORDER NO.21998/C2/96/ID DATED 20.7.1996 PASSED BY THE 2ND RESPONDENT.

EXT.P3 - TRUE COPY OF THE INTERIM ORDER DATED 23.9.2000 IN C.M.P.NO.18499 OF 2000 IN O.P.NO.11195/2000-G OF THIS COURT.

EXT.P4 - TRUE COPY OF THE ORDER NO.PRE.NO.CS9/11575/93 DATED 30.3.2001 ISSUED BY THE 1ST RESPONDENT.

EXT.P5 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 3.5.2004.

RESPONDENT'S EXHIBITS:- NIL.

- TRUE COPY -

K.Padmanabhan Nair,J.

W.P.(C).No.15298 of 2004-U

Dated, this the 19th day of February, 2007

JUDGMENT

The Society has filed this writ petition challenging Exhibit P4 order passed by the General Manager, District Industries Centre, Thiruvananthapuram on 30.3.2001 by which the petitioner-Society was ordered to be wound up. According to the petitioner, no notice was given to it at any point of time and the petitioner came to know about the order only when it filed Exhibit P5 application on 3.5.2004 claiming financial assistance. It is also contended that the impugned order was passed without complying with the procedural formalities and in gross violation of the statutory provisions and rules.

2. According to me, the petitioner is having an efficacious alternate remedy. Of course, the impugned order was passed on 30.3.2001. But, according to the petitioner, they were not issued with any notice and they came to know about this order only when they filed an application claiming financial assistance on 3.5.2004. This writ petition is filed on 21.5.2004. So, considering all aspects of the matter, I am of the view that it

is a case in which this Court can invoke the extra ordinary jurisdiction conferred on it under Article 226 of the Constitution and direct the Government to consider the appeal and dispose of the same, if any, filed by the petitioner within six weeks from today treating that as one filed within the period of limitation.

In the result, the writ petition is disposed of in the following manner: In case the petitioner files an appeal within six weeks from today before the Government, the same shall be treated as one filed within time allowed by law and the Government shall consider and dispose of the same in accordance with law.

K.Padmanabhan Nair
Judge

vku/-